

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RONALD POWELL, an individual,

Plaintiff,

vs.

BLUE CROSS BLUE SHIELD OF
NEBRASKA,

Defendant.

8:14-CV-337

ORDER

This matter is before the Court on the defendant's motion to dismiss (filing [17](#)). That motion will be granted.

Plaintiff's former counsel was granted leave to withdraw on March 13, 2015. Filing [16](#). The order granting counsel's leave to withdraw stated that the plaintiff was given until April 3, 2015 to "either: (a) obtain the services of counsel and have that attorney file an appearance in this case; or (b) file a statement notifying the court of his intent to litigate this case without the assistance of counsel." Filing [16](#). And the plaintiff was warned that his failure to do so could result in a dismissal of his claims without further notice. Filing [16](#). The order was mailed to the plaintiff and was not returned. The plaintiff failed to comply with the Court's order.

The defendant filed a motion to dismiss (filing [17](#)) on April 24, 2015, stating that "[n]either [the defendant] nor its counsel has had any contact with Plaintiff since the entry of the March 13, 2015 Order." Plaintiff has not responded to the motion to dismiss, and the deadline for doing so has passed.

An involuntary dismissal for failure to comply with the Court's order, or for failure to prosecute, is within the Court's discretion. [Fed. R. Civ. P. 41\(b\)](#); [NECivR 41.2](#); *see Schooley v. Kennedy*, 712 F.2d 372, 373-74 (8th Cir. 1983). The plaintiff has failed to comply with the Court's order of March 13, 2015 (filing [16](#)), failed to comply with the specific case progression requirements of [Fed. R. Civ. P. 26\(f\)](#), and generally failed to prosecute the case. Dismissal is appropriate.

IT IS ORDERED:

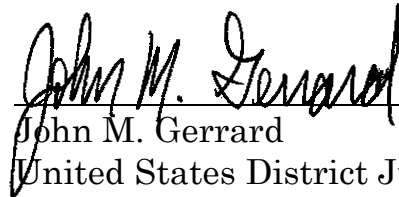
1. The defendant's motion to dismiss (filing [17](#)) is granted.

2. The plaintiff's complaint is dismissed.

3. A separate judgment will be entered.

Dated this 20th day of May, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge